

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

CHRIS BEST,

Respondent.

CASE NO. OSH 2006-24

ORDER NO. 213

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter conducted by the Hawaii Labor Relations Board ("Board") on October 12, 2006, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant and Respondent CHRIS BEST, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are:
 - (a) Whether Respondent violated 29 CFR 1926.501(b)(13) as alleged in Citation 1, Item 1;
 - (b) Whether Joel Copeland was Respondent's employee at the time of the alleged violation within the meaning of 29 CFR 1926.501(b)(13); and
 - (c) Whether Respondent knew or should have known about the alleged violative condition at the time of the inspection.

2. Discovery and other deadlines are:

Identification of unnamed and live
witnesses

November 21, 2006

Discovery cutoff

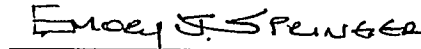
December 12, 2006


3. The trial is scheduled in this matter on January 16, 2007 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, October 13, 2006.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member


SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Chris Best